THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

Inez Griffin

'06 OCT 12 P12:46

Petitioner

Writ of Habeas Corpus § 2241

V

Sheriff David Clarke
Attorney General Peggy Lautenschlatuger

06-C-1068

Respondents

PETITION FOR WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2241 FOR PERSONS IN CUSTODY

Petition for Writ of Habeas Corpus
Citation References
Procedural History

Authority:
Hensley v Municipal Court; 411 U.S. 345 (1973)
Jones v Cunningham; 371 U.S. 236 (1963)
Miller v Fenton, 474 U.S. 104 (1985)
28 U.S.C. § 1651(2)

NATURE OF PETITION

The petitioner is in custody in violation of the United States Constitution and the federal laws of the United States. No prior petition for habeas corpus relief has been filed by the petitioner. The petitioner submits this application for writ of habeas corpus pursuant to section 28 U.S.C. section 2241. The proceedings in the State circuit court are in violation of the petitioner's constitutional right against Double Jeopardy as well as other serious substantial violations against the petitioner's right to Due Process in accordance with the federal law. The petitioner is in custody within the meaning of 28 U.S.C. § 2241. Under the United States Supreme Court's ruling and order in **Hensley v Municipal Court; 411**

U.S. 345 (1973), custody includes not only physical custody, but also restraints that are severe, immediate, and not shared by the public generally. A bail or bond is a restraint for habeas corpus purposes. Please also see **Jones v Cunningham; 371 U.S. 236 (1963).**

INTRODUCTION

1. The applicant has exhausted the remedies the remedies available in the State courts.

2. The State proceedings are contrary to clearly established federal law, as determined by the United States Supreme Court governing laws set forth in **Waller v Florida, 390 U.S. 387 (1970),** as well as **United States v Wheeler, 435 U.S. 313,** forbidding successive prosecutions on both municipal and state levels; in violation of the Double Jeopardy Clause. The United States Supreme Court has held that cities are not sovereign entities, but rather are subordinate governmental instrumentalities whose judicial power to try an accused in a municipal court derives from the same organic law that created the state court. The "dual sovereignty" concept does not apply to successive prosecutions for the same offense in municipal courts and other courts of the state. The State is barred from bringing a prosecution after the municipal court. **United States v Wheeler, 435 U.S. 313.** A proceeding in municipal court to impose a fine for an alleged violation of a city ordinance is criminal rather than civil, in that it seeks punishment to vindicate public justice, the alleged offender, whether convicted or acquitted in a municipal court, has thereby been placed in double jeopardy and can not be tried again in a state court. **See Double Jeopardy Clause, See Also, Meetropolitian; 524 SW 2d 656.**

3. The State is attempted to restrict the Petitioner's rights under the 1st, 6th, 9th, and 14th Amendments of the Constitution. The State in violation of clearly established Federal and Constitutional law, are attempting to ban the Petitioner from self-representation, and forcing a lawyer upon her against her will. The State Court made a unilateral decision, without a hearing that the Petitioner may be incompetent to proceed pro se, the State as well as the State Court have continuously stressed that the Petitioner is not being questioned in regards to her competency to stand trial, and have concurred that the Petitioner is competent to stand trial, they are in unison, to strip the Petitioner of her right to self-representation, in attempts to silence the Petitioner, from bringing forth relevant issues in the successive prosecution proceedings. There is no legislation, statue, custom, usage or ordinance language that defines the criteria to evaluate a Petitioner's competency to stand trial. Anyone competent to stand trial, is competent to waive counsel. The United States Supreme Court, in **Godinez v Morgan, 509 U.S. 389, (1993)** have ruled that the standard for competence to stand trial and the standard for competence to waive counsel are identical. The State Court made a unilateral decision, without affording the Petitioner a hearing, under Due Process, that the Petitioner's "lack of legal Knowledge" gave her probable cause to order an evaluation as to the Petitioner's competency to proceed pro se. This ruling is in plain error and contrary to the laws, rules, and prerequisites mandated by the United States Supreme Court in **Faretta v California, 422 U.S. 806, McKackle v Wiggins, 465 U.S. 168 (1984), Arizonian v Fulminate, 499 U.S. 279 (1990), as well as Iowa v Tovar, No. 02-**

1541, decided in the United States Supreme Court on March 8, 2004. To order a competency evaluation with a State doctor to give an opinion, as to the Petitioner being competent to proceed pro se, has no legal validity, is a structural error, beyond harmless, and is a process issuing without justification, misusing and misapplying a process with malice, for an ulterior purpose, a willful act in the use of process not proper in the regular conduct of the proceeding, with an objective that is not legitimate, a misuse of legal procedures, injurious to the Petitioner. A Defendant's technical knowledge is not relevant to an assessment of his or her knowingly exercising her right to defend him or herself. ***Faretta, at 806.*** The Constitution, does not, and the Court can not force a lawyer upon a Defendant. **See ex rel McCain, 317 U.S. 269.** The State Court's unilateral determination that the Petitioner lacks experience or professional capabilities does not justify denying her the right of self representation. The State appointed doctor, via a monitored phone conversation, conceded that he does not have the authority to make a medical determination in regards to an individual being able to represent themselves, he conceded that that was a legal determination, and that he was conducting the evaluation, by order of the Court. For the record, the State doctor has no training, hours, and or clinical experience in assessing and determining one's right to proceed pro se. The State Court as well as State's attempt to mute the Petitioner, shocks the conscience and offends the community sense of fair play and decency. The State Court told the Petitioner, that she was being forced to submit to the State doctor's evaluation, and that if she did not present herself for the evaluation that she would be taken into custody, and held until the Court decided to release her. The Court has in essence told the Petitioner that she would be subjected to false imprisonment if she does not adhere to an unconstitutional proceeding, by a Court with no jurisdiction, and no legal authority or basis to order that such an evaluation be administered. The State Court is continuously violating the Petitioner's right, to the point not that the Petitioner is being stripped by the Court of her 1st Amendment right to free speech, idea, as well as to have access to the court, for redress of grievances, as well as Constitutional right to self representation; having no legal authority, based upon an arbitrary use of discretion, in plain error in disregard of the clearly established federal law, under ***Faretta v California***. ***See Attached Affidavit. See Also transcripts attached from September 18th, 2006 State Court proceedings.***

4. The proceedings and results are resulting from the basis of unreasonable determinations of the facts.

5. The latest proceedings in the State circuit court are wholly without personal or subject matter jurisdiction over the petitioner, in violation of the Due Process Clause, the Ex Post Facto Clause, the Equal Protection Clause, and numerous other substantial unconstitutional violations listed infra.

6. These violations are not merely technical, but serious violations of constitutional rights.

7. The petitioner did not and has not received any full and fair fact hearing in the state court proceedings.

8. There is an absence of available state corrective process.

9. The state proceedings are objectively unreasonable. The methods employed do not conform to the broad requirements of Due Process.
10. The petitioner has offered sufficient evidence to indicate that the proceedings are objectively unreasonable in the light of clearly established constitutional rights.
11. The state courts have failed to address constitutional issues and in many instances simply sidestepped the fact-finding task.
12. The errors and violations of the laws of the United States are so fundamentally defected that it will inherently result in a fundamental miscarriage of justice.

Ground 1

THE PETITIONER IS BEING DENIED HER FOURTEENTH AMENDMENT DUE PROCESS RIGHT AGAINST DOUBLE JEOPARDY BECAUSE THE CIRCUIT COURT PROCEEDINGS WERE COMMENCED AFTER THE FACT THAT THE MUNCIPAL COURT PROCEEDINGS WERE COMMENCED. THE PETITIONER IS UNDER THE JURSDICTION OF THE MUNICIPAL COURT FOR THE EXACT ALLEGATIONS IN, WHICH THE COMPLAINT, [WRITTEN MONTHS LATER] IN THE CIRCUIT COURT PROCEEDINGS WAS BASED OFF OF. MUNICIPAL ORDIANCES ADOPTED UNDER STATE AUTHORITY CONSTITUE 'STATE ACTIONS' AND ARE WITHIN THE PROHIBITION OF THE FOURTEENTH AMENDMENT.SUCCESSIVE PROSECUTIONS AT THE STATE AND LOCAL LEVELS ARE PRECLUDED BECAUSE LOCAL UNITS OF GOVERNMENT ARE SUBORDINATE INSTRUMENTALITES OF THE STATE AND ARE FORBIDDEN BY THE CONSTITUTION AND HAS RESULTED IN A FUNDAMENTAL

MISCARRIAGE OF JUSTICE AS WELL AS A DENIAL OF EQUAL PROTECTION OF THE LAWS IN VIOLATION OF THE FOURTEENTH AMENDMENT AT SECTION ONE...

Authority;

Waller v Florida, 397 U.S. 387 (1970)

United States v Wheeler, 435 U.S. 313.

Staub v City of Baley, 78 S.Ct. 277

Benton v Maryland, 395 U.S.784 [1969]

Justices of Boston Municipal Court v Lydon, 466 U.S. 294 (1984)

Green v United States, 355 U.S. 184 [1957]

Price v Georgia, 398 U.S. 323 (1970)

Davis v Georgia, 459 U.S. 891 (1982)

Henry v Mississippi, 379 U.S. 443 (1965)

Serfass v United States, 420 U.S. 377 (1975)

Jones v Thomas, 491 U.S. 376 (1989)

Stevens, 675 F.2d 946 (7^{th} cir 1982)

Lee v United States, 432 U.S. 23 (1977)

Weeks v United States, 232 U.S. 383

Remnita v State's Attorney of Cook County, 761 F.2d 405 (7^{th} cir 1985)

Watson v Memphis, 375 U.S. 526

Burks v United States, 98 S.Ct. 2141

North Carolina v Pearce, 395 U.S. 711 (1969)

United States v Jorn, 400 U.S. 470 (1971)

Oregon v Kennedy, 102 S.Ct. 2083, 456 U.S. 667

Jeffers v United States, 97 S.Ct.2207

Williams v United States, 71 S. Ct. 576

U.S. v Martin Linen Supply Co., 97 S. Ct. 1349, 430 U.S. 564

Ohio v Johnson, 104 S.Ct.2536,

Authority cont;

Arizona v Washington, 98 S. Ct. 824

Ex parte Lange, 85 U.S. 163

Breed v Jones, 95 S. Ct. 1779

U.S. v Dixon, 113 S. Ct. 2849

Green v United States, 78 S. Ct. 221

U.S. v Ursey, 116 S.Ct. 2135

Bullington v Missouri, 451 U.S. 430

Ashe v Swenson, 397 U.S. 436

Palko v Connecticut, 302 U.S.319

Richardson v United States, 468 U.S. 317 (1984)

Ground 2

THE STATE CIRCUIT COURT PROSECUTION PROCEEDING WERE INITATED AS A RESULT FROM SELEVCTIVE, ARBITRARY, WITH BOTH DISCRIMINTORIAL PURPOSE AND INTENT IN BAD FAITH WITH AN ULTERIOR MOTIVE DIRECTLY FROM A STATE ACTOR WHO VIOLATED THE PETITIONER'S DUE PROCESS WITH FULL KNOWLEDGE OF HIS ACTION WITH CONCISIOUS SELECTIVITY BASED UPON AN UNJUSTIFIABLE

STANDARD RESULTING FROM JUDGMENT BASED ON IMPROPERLY MOTIVATED PERSONAL ARBITRARY REGARD TOWARDS THE PETITIONER , WITH FULL REGARD TO SINGLE OUT THE PETITIONER WHILE OTHERS SIMILARY SITUATED HAVE NOT BEEN SINGLED OUT ANT TREATED IN AN UNCONSTITUIONAL MANNER. THE DECISIONS AS WELL AS THE ACTIONS OF THE STATE ACTOR WERE IMPERMISSIBLY BASED ON AS WELL AS AFTER THE FACT THE PETITIONER EXRECISED CONSTITUIONAL RIGHTS. THIS IS THE SAME STATE ACTOR WHO HAS MADE OFFENSIVE COMMENT S IN THE PAST IN REGARDS TO THE PETITIONER AFTER EXERCISING OTHE R CONSTITUIONAL RIGHTS; SUCH AS ‘IT ‘S ABSURD’ IN REGARDS TO THE PETITIONER WANTING A JURY TRIAL FOR A FIFTY DOLLAR TRAFFIC TICKET, THIS IS THE SAME STATE ACTOR THE PETITONER HAS REPORTED TO A JUDGE IN THE PAST IN REGARDS TO INFLAMMATORY COMMENTS. THIS STATE ACTOR BELIBERTLY AND RECKLESSLY CROSSED THE LINE BETWEEN LEGITIMATE ADVERSERIAL GAMESMANSHIP AND MANIFESTLY IMPROPER METHODS THAT PREJUDICED THE PETITIONER SO UNFAIRLY TO SUCH A DEGREE THAT NO JUDICIAL ADMONISHMENT COULD HAVE CURED IT. THE CONDUCT IS QUALITATIVELY MORE SERIOUS THAN SIMPLE ERROR AND CONNOTES AN INTENTIONAL FLOUTING OF KNOWN RULES AND LAWS AND HAS RESULTED IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE AS WELL AS A DENIAL OF EQUAL PROTECTION OF THE LAWS IN VIOLATION OF THE FOURTEENTH AMENDMENT AT SECTION ONE.

.Authority;

Donnelly v DeChrisoforo, 416 U.S. 643 (1974)

Faretta v California, 422 U.S. 806 (1975)

Waller v Georgia, 467 U.S. 39

McKaskle v Wiggins, 465 U.S. 168 [1984]

Dickerson v United States [2000]

Abott Laboratory v Gardnier, 387 U.S. 136

Mononogahela Bridge Co. v U.S., 216 U.S. 177

Blackledge v Perry, 417 U.S. 21 (1974)

Boykin v Alab, 383 U.S. 415 (1969)

United States v Miller, 471 U.S. 130 (1985)

Brady v United States, 397 U.S. 742[1970]

U.S. v Gunning, 984 F. 2d 1476 (7^{th} cir 1993)

Stanley v Illinois, 405 U.S. 645

Miller v Anderson, 255 F. 3d 455 (7^{th} cir 2001)

Berger v United States, 295 U.S. 78 (1935)

Marshall v Jerrico, 466 U.S. 238 (1980)

Hampton v United States, 425 U.S. 484 (1976)

Griffin v California, 380 U.S. 609 (1965)

Yick Wo v Hopkins, 118 U.S. 356

Authorities cont;

Oyler v Boler, 368 U.S. 448 (1962)

United States v Armstrong, 517 U.S. 456 (1996)

Griffin v Illinois, 251 U.S. 12 (1956)

Watson v Memphis, 375 U.S. 526

Scheuer v Rhodes, 416 U.S. 232 (1974)

Ewing, 339 U.S. 594

Bates v McCaughtry, 934 F.2d 99 (7th cir)

Hampton v Wyant, 296 F 3d 560 (7th cir. 2002)

Flowers, 962 F. 2d 703, 711 (7th cir 1992)

Murray v Carrier, 477 U.S. 478 (1986)

Ground 3

THE PETITIONER'S FOURTEENTH AMENDMENT DUE PROCESS RIGHTS ARE BEING VIOLATED IN THE STATE CIRCUIT COURT PROCEEDINGS BECAUSE THE CIRCUIT COURT [AS WELL AS THE] 'JUDGES' THE PETITIONER HAS BEEN IN FRONT OF THUS FAR DO NOT HAVE PERSONAL NOR SUBJECT MATTER JURSDICTION OVER THE PETITIONER AND HAS RESULTED IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE AS WELL AS A DENIAL OF EQUAL PROTECTION OF THE LAWS IN VIOLATION OF THE FOURTEENTH AMENDMENT AT SECTION ONE.

.Authority;

Williams v United States, 71 S. Ct. 576

Scheuer v Rhodes, 416 U.S. 232 (1974)

Bracey v Warden, 520 U.S. 899 (1997)

Re Sawer, 124 U.S. 200

U.S. v Will, 449 U.S. 200 (1980)

Edmond v United States, 520 U.S. 651 (1997)

Authority cont.;

Kent v United States, 383 U.S. 541 (1966)

Harris v Harvey, 605 F. 2d 330 (1979)

Griffin v Griffin, 66 S. Ct. 556

Mireles v Waco, 502 U.S. 12

Authority cont;

Christianson, 486 U.S. 800 (1988)

Cook v Gralike, 531 U.S. 510 (2001)

Mills v Rogers, 457 U.S. 300 (1982)

Franks v Delaware, 438 U.S. 154 (1978)

Ortiz, 527 U.S. 815 (1999)

Kahn v Shevin, 416 U.S. 351 (1974)

Liteky v United States, 510 U.S. 540, (1994)

Supreme Court of Virgina v Consumers Union, 446 U.S. 719 (1980)

Lopez v Vanderwater, 620 F 2d 1229 (7^{th} cir 1980)

United Mine Workers v Illinois State Bar Association, 389 U.S. 217 (1967)

Authorities cont;

Forrester v White, 484 U.S. 229

Liteky v United States, 510 U.S. 540 (1994).

Ground 4

THE PETITONER IS BEING DENIED DUE PROCESS IN VIOLATION OF HER FIRST, FOURTH, FIFTH, SIXTH, AND FOURTEENTH AMENDMENT RIGHTS

BECAUSE OF THE EVENTS THAT HAVE TRANSACTED IN THE PROCEDURE AND PROCESS USED AGAISNT HER IN THE STATE CIRCUIT COURT PROCEEDINGS THERE IS A BOLD DISREGARD AS WELL AS INTENTIONAL IGNORING OF THE ACTUALITES AND HAS RESULTED IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE AS WELL AS A DENIAL OF EQUAL PROTECTION OF THE LAWS IN VIOLATION OF THE FOURTEENTH AMENDMENT AT SECTION ONE.

Authority;

Harris v Harvey, 605 F. 2d 330 (7th cir 1979)

Dillingham v United States, 423 U.S. 64 (1975)

McKaskle v Wiggins, 465 U.S. 168 [1984]

Boykin v Alab, 383 U.S. 415 (1969)

Dickerson v United States [2000]

Nash v Israel, 701 F2d 383 (7th cir 1984)

Ward v Village of Monroeville, 409 U.S. 57 (1972)

Cook v Gralike, 531 U.S. 510 (2001)

Authorities cont;

Griffin v Griffin, 66 S.Ct, 556

Forrester v White, 484 U.S. 219 (1988)Kreshik, 363 U.S. (1990)

Legal Services Corporation v Velazquez, 531 U.S. 533 (2001)

United States v Armstrong, 517 U.S. 456 (1996)

Thompson v Keohane, 516 U.S. 99 (1999)

Stansbury v California, 511 U.S. 323 (1994)

.**Ground 5**

THE PETITONER'S DUE PROCESS RIGHT TO NOTICE AND AN OPPURTUNITY TO BE HEARD HAS BEEN DENIED. THE PRESUMPTION OF INNOCENCE IS A BASIC COMPONENT OF A FAIR TRIAL UNDER THE DUE PROCESS CLAUSE. AND HAS RESULTED IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE. AS WELL AS A DENIAL OF EQUAL PROTECTION OF THE LAWS IN VIOLATION OF THE FOURTEENTH AMENDMENT AT SECTION ONE.

Authority;

Estelle v Williams, 425 U.S. 501, (1976)

United States v Armstrong, 517 U.S. 456 (1996)

Klopfer v North Carolina, 386 U.S. 213 (1967)

Branchburg v Haynes, 408 U.S. 665 [1972]

Barlow v Collins, 397 U.S. 159 [1970]

Krenshik, 363 U.S. 190 [1960]

Herring v New York, 422 U.S. 853 (1975)

Authorities cont;

Civil Rights Act of 1866

McKaskle v Wiggins, 465 U.S. 168 [1984]

42 U.S.C.S. § 1981

Cook v Gralike, 531 U.S. 510 [2001]

Glassier v United States, 315 U.S. 60 (1942)

.**Ground 6**

THE PETITIONER'S CONSTITUIONAL RIGHTS BY WHICH THE PEOPLE ARE PROTECTED AGAINST THE EXERCISE OF ARBITARY POWER ARE CONTINIOUSLY BEING VIOLATED IN MANY INSTANCES IN THE STATE COURT PROCEEDINGS AND HAS RESULTED IN IJURIES TO THE PETITIONER WERE AS THE PETITIONER IS BEING PRECLUDED FROM EXCERSING CONSTITUIONAL RIGHTS.THIS IS REULTING IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE AS WELL AS A DENIAL OF EQUAL PROTECTION OF THE LAWS IN VIOLATION OF THE FOURTEENTH AMENDMENT AT SECTION ONE.

Authority;

Plessy v Ferguson, 116 U.S. 537 (1896)

Tennessee, 306 U.S. 118 (1938)

Dent; 129 U.S.114

Abney v United States, 431 U.S. 651 [1977]

Farmer v Brennan, 511 U.S. 825 (1994)

Hirabayashiv v United States, 320 U.S. 81 (1943)

Authorities cont;

Casselberry, 339 U.S 594

Ground 7

THE PETITIONER'S FIRST AMENDMENT RIGHT TO PETITION THE GOVERNMENT FOR A REDRESSS OF GRIEVANCES HAS BEEN DENIED. THE STATE IS ATTEMPTONG TO EVADE ITS OBLIGATIONS.THE PETIIONER HAS HAD NO OPPURTUNITY TO A FULL AND FAIR FACT FINDING HEARING AND

HAS RESULTED IN A FUNDAMENTAL MISCARRIAGE OF JUSTICE AS WELL AS A DENIAL OF EQUAL PROTECTION OF THE LAWS IN VIOLATION OF THE FOURTEENTH AMENDMENT AT SECTION ONE.

Authority;

Bates v McCaughrtry, 934 F. 2D 99 [7TH CIR]

Hampton v Waynt, 296 F. 3d 560 [2002]

Haines v Kernier, 404 U.S. 519

Estelle v Gamble 29 U.S.97

Sanders, 371 U.S. 1

McNeil, 113 S. Ct. 1980

Baldwin, 466 U.S. 147

Yates, 209 F. Supp. 757 [N.D. Ill 1962]

Lopez v Vanderwater, 620 F.2d 1229 [7th cir. 1980]

Mineworkers v Illinois State Bar, 389 U.S. 217 [1967]

Watson v Memphis, 375 U.S. 526

Authorities cont;

Scott, 154 U.S. 34

Bracey v Warden, No. 96-6133

Mierles v Waco, 502 U.S. 12

Harris v Harvey, 605 F. 2d 330 (7th cir 1979)

Abney v United States, 431 U.S. 651 [1977]

GROUNDS FOR RELIEF

GROUND 1

The allegation in which the circuit court complaint was written and copied off the citation word for word with very few exceptions. The circuit court proceedings were commenced after the municipal court proceedings in succession, in violation of *Waller v Florida.* Under **Wis. Stats. 800.01** cases involving municipal ordinances or violations of by laws are commenced by the issuance of a citation. Please also reference Wis. Statues 968.085[1], 968.085[3] The petitioner plead not guilty, thereby submitting to the municipal court's jurisdiction. The circuit court's proceedings is a successive prosecution in direct violation of the federal law established by the United States Supreme Court in **Waller v Florida, 397 U.S. 387 (1970. Wisconsin Stats. 66.119(5);** 'a citation will confer jurisdiction over the subject matter and the Municipal Court may proceed to judgment. **Wis Stats. 66. 119(2) (b)** the events in the state proceedings have resulted in fundamental defects which inherently result in a complete miscarriage of justice. The events resulted in decisions contrary to as well as unrealistically applicable to established federal law. The decisions were and are unrealistic determinations of the facts as will be shown in the record. Accordingly, for all the foregoing reasons habeas relief should be granted under 28 U.S.C. section 2241, section 1331, and section 2251.

Ground 2

The circuit court proceedings before being initiated stemmed from conduct that was done with an improper motive, retaliatory motive by the city attorney; Kurt A. Belling, who has grave malice towards the petitioner. His acts were in direct violation of the constitution and federal law. His acts including having third parties personally call the petitioner with intimidation, threats, abridging the petitioner's right to enter in contractual agreement, directing others to hide exculpatory evidence, etc. The circuit court charges were brought only after the petitioner exercised her constitutional rights, as well as statuorial rights and interests in concluding the trial before the tribunal in which the petitioner is under their jurisdiction to determine a verdict. The city attorney engaged in unilateral acts in violation of the petitioner's due process rights. The city attorney has in the past made comments proving he did not like the petitioner exercising constitutional rights. A law is not binding unless it has been promulgated. There has been no law thus far allowing the city attorney to be improper, discriminatory, nor vindictive. Constitutional rights are personal. They can not be brought, paid for, transferred, or sold. with out consent, by the person whom retains ownership. The city attorney has made unfair insinuations in the past, and has escalated in the latest proceeding, from bad faith. The events in the state proceedings have resulted in fundamental defects, which inherently result in a complete miscarriage of justice. The events resulted in decisions contrary to as well as unrealistically applicable to established federal law. The decisions were and are unrealistic determinations of the facts as will be shown in the record. Accordingly habeas relief should be granted under 28 U.S.C. section 2241, section 1331, section 2251.

Ground 3

Months after being under the jurisdiction of the municipal court, and after exercising constitutional rights, the petitioner experienced threats, intimidation, and acts that were very shocking by various state actors, the petitioner received an unauthenticated summons ordering her into the circuit courtroom. The petitioner was told if she did not come in she would be arrested. Infa later, the petitioner will state the acts that were commenced against hear upon that date, in violation of her consitiuional rights. But for now, the petitioner will dwell on ground three. The summons was not given to the petitioner personally. As the petitioner stated it was unauthenticated, before any action in circuit court proceeding was commenced. It bared neither stamp nor seal; **Wis. Stats. 753.30 (a) (1)** It was in violation of the state court's own ruling in case **116 Wis 2d 683**. This case ruled strict compliance with rules of statutory service is required even though consequences are harsh, that consequence being lack of personal jurisdiction over a defendant. The complaint{which was based directly from the citation, with an exception of a few words} was based off of false allegations as well as intentionally omission of facts necessary to a true determination in violation of the petitioner's constitutional rights as determined in **Franks v Delaware, 438 U.S. 154 (1978).** Furthermore, the complaint in this case is also legally insufficient. The complaint omits legal and factual elements concerning the law in it. The legal terms willfully or knowingly or their equivalents are totally missing from the complaint. The complaint is totally deficient of the necessary essential material elements. The complaint is constitutionally void. The complaint does not give notice of the mens rea elements of willfulness or knowingly. A statutory citation does not cure lack of essential elements. Please reference **U.S. v Daniels, 973 F.2d 272**. The petitioner was denied at court proceeding that she was first ordered into, as well as throughout the state proceedings a hearing to challenge the veracity of sworn statements used by an officer who was not at the scene, at know time spoke with the petitioner, yet swore to the falsely and erroneous complaint, being an affiant as well as complainant, with reckless disregard of the truth. Furthermore, the 'judicial officers ' the petitioner has been ordered in front of in the state circuit court proceeding, none have followed the necessary law to act as a judicial officer, and had no authority to preside over the petitioner. Their acts are in violation of the Appointment Clause of the United States Constitution. Furthermore, Wisconsin Stats. 19.01(2), (2m)…'shall in regards to a bond and oath. ..19.01(4), states 'shall be filed in the office of the secretary of state'. Sec. 19.01(5)....'official oath and bond shall be filed the same before entering upon the duties of the office. Both shall be filed at the same time. Duties are acts referenced to in section 19.01(1), and (2) as well as performance of said duties. Their oath can not be deemed to be official because the statues state…faithfully discharge the duties of said office. The duties can not be said to be performed if the bond has not been filed. Shall, is an indication of mandatory. Creating a duty, a duty is not discretion. There is no discretion granted in the matter of properly and timely executing the requisites to hold public office. When the word shall is used in a command to a public official , it excludes the idea or notion of discretion…'shall, before entering upon duties of the office'….Without filing the official bond there exists a restraint to enter upon the duties of the office, and in fact by law, the position by law is literally vacant. Wisconsin Stats. 17.03...A public office is vacant when..17.03(7)….when a person elected or appointed or reelected or reappointed to any office neglects or refuses so take and file the official oath or execute or renew the official bond, if required, or to file the oath or bond as prescribed by law. Circuit court judges are required by law to do such, as so are their clerks, and so forth. If the 'judges' were to enter their duties with disregard to the legislation, then the legislation would be acting in a farce. The law is the law. A witness for itself. In defense of itself. Arguing for itself. Standing by itself. In accordance with the law no one is deemed to be above the law. The law is clear. By not following the requisites, the position is by law, deemed vacant. Decency, security, and liberty alike demand that government officials shall be subject to the same rules of conduct that are commanded to the citizens. Justice of the United States Supreme Court Brandes in **Olmsteads v United States, 227 U.S. 433**, spoke about the ramifications when the government becomes breakers of the law. As well as speaking as to the government sets example of role modeling, and the government breeding contempt for the law by not following the law. None of the 'judicial officers' that the petitioner has been ordered in front of , thus far are in accordance with the law. For example Comm. Frank Liska, 1978, and 1999 oaths are suspect, as the 1999 oath holds no expiration date. Yet there has not been any bonds filed. In fact, the law itself, by way of Wis. Stats. 17.03(7), does not even reference them as public officials if failed to file the necessities; they are simply referred to as 'persons'. It is a violation of equal protection of the laws that sovereign citizens of Wisconsin, are to be held to higher standards than public officials.i.e. A contractor can not enter upon duties with out a bond, or license, drivers can not drive with out a license. It is also suspect that attorneys in Wisconsin hold 'bar cards' that are not from the office of licensing and regulation, who issues licensees, but are given a card from the 'States Bar' whom the State of Wisconsin's corporation division does not have a record as being a corporation, but is only captioned in the Wisconsin Blue Book as an 'associated unit' of the Wisconsin Judicial System. By way of the rights under public record, the state will send corresponded that they can not furnish copies of any lawyer's license, because they hold none, they are granted a 'license'/bar card by the State Bar. Which goes back to the question of the 'State Bar' supra? The events in the state proceedings have resulted in fundamental defects, which inherently result in a complete miscarriage of justice. The events resulted in decisions contrary to as well as unrealistically applicable to established federal law. The decisions were and are unrealistic determinations of the facts as will be shown in the record. Accordingly habeas relief should be granted under 28 U.S.C. section 2241, section 1331.

Ground 4

The procedures and process used in the state proceedings have been and are in violation of clearly established federal law. The petitioner stipulated with the Municipal Court to the procedure and process on the not guilty sheet accompanied by the citation. She pleads not guilty. A stipulation is a contract. The petitioner entered into contract as to the formalities on the not guilty sheet. This contract was made in the course of judicial proceedings. Exemplified by stipulation agreed upon. The First amendment gives the petitioner the right to enter in contractual agreements with the government. The petitioner possesses evidence to show in support the fact that she has offered on several occasions prove to show that there exists a miscarriage of justice. That acts were taken directly by state officers to prevent the petitioner to exercise constitutional rights. That the petitioner tried to make this information aware on several occasions. That the first ordered appearance in the circuit court proceedings, Comm. Frank Liska, was sarcastic. Stating things such as 'she said she was threatened….in a mimicking tone, called her a 'smart elicit', refused to look at offered information in regards to double jeopardy and jurisdiction and so forth, at no time did he tell the petitioner of her right to counsel or the right to be provided counsel. Please reference **Harris v Harvey, 605 f.2d 330 [7th cir 19719];** holding that a judge's acts in public criticizing a defendant before his court was not judicial in nature in that the acts of the judge were not to the expectations of the parties. In fact it was months later, and three judges later before she was told about her right to counsel. The record has on its docket sheet intentionally omissions, and falsities, such as 'the defendant does not qualify for counsel', when at no time was the petitioner told of her rights to counsel or examined for the necessity of counsel. The petitioner has been denied transcripts. No court entry thus far shows the petitioner's request for counsel, though she continuously have made several 'judges' aware of the issue. The petitioner at many instances on many occasions have been ridiculed, and sarcasm for unconstitutional reasons. The events in the state proceedings have resulted in fundamental defects, which inherently result in a complete miscarriage of justice. The events resulted in decisions contrary to as well as unrealistically applicable to established federal law. The decisions were and are unrealistic determinations of the facts as will be shown in the record. Accordingly habeas relief should be granted under 28 U.S.C. section 2241, section 1331.

Ground 5

The arbitrary acts that have been towards the petitioner by many actors, the petitioner, have had neither notice nor opportunity to be heard. It is Ex Post Facto when there is an impairment of contractual relationships. The impairment is substantial, and is not justified. Any person interested under a deed, will, or written contract or other writings constituting a contract or whose rights, statues. Or other legal relations are affected by a statue, municipal ordinance, contract or franchise may have may have determined any question of construction or validity arising under the instrument, statue, or ordinance, and obtain a declaration of rights, status, or other legal relations there of, under the Uniform Declaratory Judgments Act. Legal issues must provide findings, conclusions, and the reasons or basis therefore on all materials issues of fact or law. To refuse to give or define the criteria applied is equivalent to simply stating no. There is no rule of law that supports this, and no rule is valid unless promulgated. Rules of construction or interpretation are demanding by the Courts. Without predetermined rules of construction and interpretation, no statues or rules could be properly understood or applied, in violation of Due Process of Law. The requirements of warnings and waiver of rights is fundamental with respect to the Fifth Amendment, and not simply a preliminary ritual. The limits placed by the First Amendment on the Government extend to judicial as well as legislative branches. Please reference to **Krenshik, 363 U.S. 190 [1960]** The law speaks for itself, and established law is a witness when brought forth. To refuse to hear a witness is in violation of the Sixth Amendment. The petitioner is being forced into a successive prosecution in the state circuit court proceedings. The petitioner's constitutional right to be heard has been abridged and out right denied. By way of various state actors exculpatory evidence has been and still is being denied. The petitioner has proof to offer to show that there is a strong likelihood that exculpatory evidence in the petitioner's favor has been intentionally destroyed. The petitioner at each preceding that the petitioner has been ordered into at the state circuit process; immediately each time challenged the court's jurisdiction. The petitioner's rights under the Brady doctrine have been intentionally violated. The petitioner was handed 'discovery' in the form of a falsified as well as erroneous and misleading police report written months later, well after the petitioner entered a not guilty plea, with the municipal court, well after being under the municipal's court jurisdiction. The report is neither signed nor dated. This so called discovery was handed to the petitioner in November, by the assistant district attorney who participated in acts so egregious and shocking against the petitioner while under the municipal court's jurisdiction. Further in the proceedings another assistant district attorney, Jennifer Rhodes, stated on the record that all discovery was given to the petitioner, and she referenced that to the date in November. The police report was false accusations by way of the individual that committed acts against the petitioner in a disclosed area of the library, not with the general public, and one of these acts constituted sexual assault. In this same area, while in the police presence this include physically abused the petitioner's minor child, by jerking her arm aggressively, by which only the petitioner intervened. Also in the presence of the officer, the individual who made the false accusations on the police report was very hostile to the petitioner, consistent yelling, as well as telling her to shut up and sit down, the petitioner continuously asked what was going on, and realistically feared for her safety as well as her child. The petitioner on several instances requested to speak with a lawyer, asked to call someone. At no time was the petitioner's rights read, nor advised. The petitioner never gave the officer or the man who initiated the incident any permission to take her person, dump it on a table, and rummage through her belongings. This is exact what occurred, when the man, whom the petitioner learned his name as being Reeseman, and who he was by way of the state circuit court successive proceedings. Reeseman, told the officer, "Get her purse, check it it's in there!" The petitioner stated she did not know what this man was talking about, and did not have anything in her purse except what belongs to her. Yet in still the officer took the petitioner's purse, dumped the contents out and both individuals went through her personal belongings. As the petitioner had stated everything in the purse was her property. The petitioner was upset, repetitiously asked to call or speak to a lawyer or someone and was told no. A lot more unconstitutional things happened which the petitioner has not been able to present because of the substantial constitutional violations afflicted. . The events resulted in decisions contrary to as well as unrealistically applicable to established federal law. The decisions were and are unrealistic determinations of the facts as will be shown in the record. Accordingly, for all the foregoing reasons habeas relief should be granted under 28 U.S.C. section 2241, section 1331.

Ground 6

In many instances state actors have made unilateral decisions, which there is no law promulgated to them to be judge, juror, clerk of courts all in one, abridging the petitioner's constitutional rights under the Due Process Clause. The petitioner has experienced a wide array of shocking acts against her inside as well as outside the state court proceedings. Acts that were done with no authority and at many times without inherent power, at all with ill will and intent to preclude the petitioner from exercising her constitutional rights. It is the duty of state courts to abide by decisions of the U.S.S.C. in constitutional matters. To act any other way is to be contrary to the established law. A person's liberty is equally protected even when the liberty itself is a statutory creation by the State under the Due Process Clause. Please reference, **Dent; 129 U.S.114** The use of inherent powers must comport with procedural fairness. . The events resulted in decisions contrary to as well as unrealistically applicable to established federal law. The decisions were and are unrealistic determinations of the facts as will be shown in the record. Accordingly, for all the foregoing reasons habeas relief should be granted under 28 U.S.C. section 2241, section 1331.

Ground 7

Part of the problem lies with the states court's failure to address any of the petitioner's claims. The petitioner has a protected constitutional right to petition the government for a redress of grievances. The petitioner's grievances have not even been properly addressed, in order to be redressed. The petitioner has a constitutional right to the appearance of fairness as well as the actual act. The state circuit court simply ignored the petitioner. The states court of appeal did not decide on substance or merit, but was denied by the same one judge twice, stating that the petitioner's criteria is not in line with statue to file an appeal, although the petitioner presented constitutional claims. The first denial stated that the state circuit court proceeding was not finalized yet. The United States Supreme State Court ruled inn Sanders; 'conventional notions of finality of litigation have no place where life or liberty are at stake.' ***Sanders 371 U.S. 1*** rules can not prevent constitutional issues from being heard. The court of appeal judge, wrote in his decision, should the petitioner be convicted, she can bring the issues up on appeal. Belated liberation is little enough compensation. Please see, **Brecht v Abrahamson, 507 U.S. 619 (1993).**
Lastly, the Wisconsin Supreme Court simply denied the petitioner without explanation. The United States Supreme Court in **Griffin v Illinois, 351 U.S. 12 (1956),** ruled that all defendants are entitled to some form of equal justice. An appellant system is required to ensure fair treatment of defendants. An appellant court, which maintains mutually inconsistent legal standards, which it applies selectively, depending on the case before it, violates every modern notion of fundamental fairness, due process, and equal protection guarantees under the fourteenth amendment to the constitution of the United States. . The events resulted in decisions contrary to as well as unrealistically applicable to established federal law. The decisions were and are unrealistic determinations of the facts as will be

shown in the record. Accordingly, for all the foregoing reasons habeas relief should be granted under 28 U.S.C. section 2241, section 1331.

PROCEDURAL HISTORY

The petitioner, being a patron in the library, was falsely accused; subjected to physical, verbal as well as sexual assault by the individual making the false accusations. The petitioner was subjected to constitutional violations such as unreasonable search and seizure, received citations, and under the jurisdiction of the municipal court entered a not guilty plea to the municipal court. Was subjected to direct and indirect threats by state actors. The petitioner was subjected to direct as well as indirect intimidation by state actors. Pleaded with the circuit court commissioner to listen to the information she tried to provide to the court on the date of being ordered into circuit court, instead was mimicked, mocked, as well as ridiculed; denied constitutional protections and so forth. The petitioner, reserving her right to challenge the court's jurisdiction, filed motions, which were not given a full and fair fact hearing. One of the assistant district attorney's in the state successive circuit court proceeding, Jennifer Rhodes filed a response to one of the many motions. She conceded in her response that the circuit court proceedings commenced after the municipal court commence, yet erroneously declared that the municipal proceeding had no bearing on the circuit court proceeding, stating it in plain error as being a civil matter. The petitioner appealed to the court of appeal, and was denied without a decision on the merits. This denial was twice by the court of appeals judge Wedemeyer. The petitioner was later denied by the Wisconsin Supreme Court, without explanation. . The events resulted in decisions contrary to as well as unrealistically applicable to established federal law. The decisions were and are unrealistic determinations of the facts as will be shown in the record. Accordingly, for all the foregoing reasons habeas relief should be granted under 28 U.S.C. section 2241, section 1331, and section 2251.

Statement of the Facts

The criminal complaint is based completely off of the citations, with an exception of a few words. The criminal complaint, which is based off the citation, which is false, inaccurate, and untrue, was sworn to by an officer who was neither present nor at no point and time ever spoke with the petitioner. The petitioner is in great and immediate irreparable harm. The petitioner is being precluded from exercising constitutional rights. Constitutional rights of the petitioner are being violated. The petitioner's fundamental personal rights are protected by the Due Process Clause. Please refer to **Gitlow; 268 U.S. 652.** The harm towards the petitioner outweighs any harm towards the respondents. A violation of constitutional right is harm that is great. If the writ is not granted the petitioner will continue to be subjected to this harm. The harm as well as the injury would be great and imminent. The chilling and violations to one's protected constitutional rights is injurious in itself. The United States Supreme Court ruled that loss of constitutional freedoms even if minimum periods of time unquestionably constitute irreparable injury. As for injury to the respondents, they are charged with upholding the law; it bears no harm to them to uphold the law. There is no adequate remedy available because the petitioner is being ignored, and has received no full and fair fact hearing to this date. The public has a powerful interest in the protection and maintenance of constitutional rights. The public does not have an interest nor should the government in unequal protection or constitutional violations. Please refer **to O'Brien v Town of Caledonia, 748 F2d 403**

7th **cir (1984).** The respondents were and still are violating protected constitutional rights of the petitioner. The petitioner is still being denied Due Process of law. If the writ is not granted the respondents will have a predilection to escape true judicial review. State law can not define the remedies in which a federal court gives. The claims brought forth to the states court proceedings are simply being side-stepped and over-looked, with no full and fair fact hearing given. The petitioner should not be required to await and under go more constitutional violations to assist in seeking relief. and assert a reasonable fear. Pleases refer to **Babbitt, 422 U.S. qt 298.**

The harm is actual and imminent not conjecture. The threats are real and concrete, not hypothetical or generalized. To compel respect for the constitutional guaranty in the only effective available way the petitioner files this application for writ of habeas corpus as a necessary mean to the procedure.

PRAYER FOR RLIEF

Wherefore, for the reasons stated above and in the authorities cited under clearly established law, the petitioner respectfully prays that the Honorable Court grant the following relief;

1. Release the petitioner from the unconstitutional custody of the said respondents.
2. Release the petitioner from the unconstitutional custody by terminating the successive prosecution against her.
3. Release the petitioner from the unconstitutional custody by terminating the prosecution against her in violation of the petitioner's due process rights.
4. Enjoin State officials from further violating the Petitioner's Constitutional rights.
5. Any other relief as this Court deem just and appropriate.

I verify that the petitioner with good faith put this writ together and that the foregoing is true and correct to the best of the petitioner's recollection and or knowledge as well as ability.

Inez Griffin-petitioner
Ms. [signature]
2350 N. 9th Street

Milwaukee, Wis. 53206